



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,863	11/21/2003	Kevin M. Pintar	149-0170US	1363

29855 7590 11/30/2006

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.
20333 SH 249
SUITE 600
HOUSTON, TX 77070

EXAMINER

EBIRIM, EMEKA

ART UNIT PAPER NUMBER

2166

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/718,863	Applicant(s) PINTAR ET AL.	
	Examiner Emeka Ebirim	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

1. This communication is responsive to the Amendments filed on July 07, 2006. The application has been fully examined and the applicant has withdrawn 27-29. Claims 1-26 and 30 are rejected and are pending in this Office Action.

Claim Objections

2. Applicant's amendments to claim 1 and 30 have been fully considered and it overcomes the objections. As such the examiner has withdrawn the objection.

Response to Arguments

Claim Rejections - 35 USC § 102

3. Applicant's arguments with respect to claims 1-26 and 30 of the present application have been fully considered but are not persuasive. The examiner respectfully traverses applicant's arguments.

With respect to the independent claims 1, 14 and 30 Applicants on page 10 of remark argue that "The Examiner appears to have confused the schema (version information) consistency check of Hayashi with the claimed act of extracting data from a table based on the table's version. Specifically, the Examiner's reliance on Hayashi at 16:55-60 (Figs. 17A and 17B) and 13:5-10 (Figs. 15A and 15B) as teaching the act of extracting or unloading data from a database table based on the table's version is incorrect. ..."

Art Unit: 2166

In response to this argument, the Examiner respectfully submits that Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not clearly show how the claimed limitation avoids such references.

Furthermore with respect to the independent claims 1, 14 and 30 Applicants argue that "Nowhere does Hayashi teach, describe or fairly suggest extracting data from a table based on different schema versions".

In response to this argument, the Examiner respectfully submits that Hayashi discloses it as "The logical information manipulating unit 53 extracts logical information from table information. If there is a reference restriction defined in an SQL schema among tables, the logical structure information in the table(s) is also extracted" [Col 13 lines 7-11, Fig 11A]. Thus Hayashi suggests extracting data from a table based on schema version.

For the above reasons, Examiner believed that rejection of the last Office action was proper. From the foregoing applicants have not met the requirements needed to traverse the rejections made to this application under 35 U.S.C. 102 (b). And as such rejections as applied to the last Office action are hereby sustained.

Claim Rejections - 35 USC § 103

4. Applicant's arguments with respect to claims 12, 13, 25 and 26 of the present application have been fully considered but are not persuasive. The examiner respectfully traverses applicant's arguments.

Claims 12 and 13 which contain subject matter which belongs to a prior art further depend on rejected independent claim 1 and are, therefore, not patentable for at least the same reasons as is claim 1. Claims 25 and 26 contain subject matter which belongs to a prior art and further depend on rejected independent claim 14 and are, therefore, not patentable for at least the same reasons as is claim 14.

For the above reasons, Examiner believed that rejection of the Office action is proper. Thus Applicants' have not met the requirements needed to traverse the rejections made to this application under 35 U.S.C. 103. And as such rejections as applied to the last Office action are hereby sustained.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-11, 14-24 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent No: 5881378 to Hayashi et al (hereinafter Hayashi).

Claim 1.

Hayashi discloses:

A database unload method, comprising [database, extract logical information, Col 13 lines 5-10]:

receiving a request to extract data from a database table, the database table having a current version associated with a current schema of the database table and a prior version associated with a prior schema of the database table, the request directed to the prior version [request, old version, new version, database, Col 16 lines 55-60, Fig 17A-17B]; and

extracting data from the database table based on the table schema associated with the prior version [database, extract logical information, table, Col 13 lines 5-10, Fig 15A-B].

Claim 2.

Hayashi discloses the elements of claim 1 as above and furthermore it discloses wherein the act of receiving a request further comprises obtaining schema definition information associated with the database table [schema definition, table Col 6 lines 25-27].

Claim 3.

Hayashi discloses the elements of claim 2 as above and furthermore it discloses, wherein the act of obtaining schema definition information comprises obtaining schema definition information for the prior version [definition information, old version, Col 16 lines 54-59].

Claim 4.

Hayashi discloses the elements of claim 3 as above and furthermore it discloses wherein the act of obtaining schema definition information further comprises obtaining schema definition information for versions associated with the database table in addition to the prior version [table, old version, schema definition, Col 6 lines 25-27, Col 16 lines 64-67-Col 17 lines 1-2].

Claim 5.

Hayashi discloses the elements of claim 2 as above and furthermore it discloses, wherein the act of obtaining schema definition information comprises receiving said schema definition information from a user [schema definition, user-specified, Col 6 lines 25-27, Col 5 lines 20-23].

Claim 6.

Hayashi discloses the elements of claim 2 as above and furthermore it discloses, wherein the act of obtaining schema definition information comprises receiving said schema definition from a database change management application [schema definition,

Col 6 lines 25-27,33-35, Fig 15A-B].

Claim 7.

Hayashi discloses the elements of claim 2 as above and furthermore it discloses, wherein the act of obtaining schema definition information comprises receiving said schema definition information directly from a database management system [schema definition, Col 6 lines 25-27,33-35].

Claim 8.

Hayashi discloses the elements of claim 1 as above and furthermore it discloses, wherein the act of extracting data comprises unloading data stored in the database table to a result set data structure [database, table, extract logical information, Col 13 lines 5-10, 43-45, Fig 16A-B].

Claim 9.

Hayashi discloses the elements of claim 8 as above and furthermore it discloses wherein the result set data structure comprises a computer file [Col 14 lines 45-50].

Claim 10.

Hayashi discloses the elements of claim 8 as above and furthermore it discloses wherein the act of extracting data comprises generating a file that encodes therein a definition of the schema associated with the prior version [Col 19 lines 35-39, 45-53].

Claim 11.

Hayashi discloses the elements of claim 8 as above and furthermore it discloses wherein the act of extracting data comprises [database, extract logical information, Col 13 lines 5-10]:

unloading a datum from the database table, said datum having a first format [database, extract logical information, format, Col 13 lines 5-10, Col 25 lines 15-20];

and

transforming the unload datum to a second format [database, extract logical information, format, Col 13 lines 5-10, Col 25 lines 15-20].

Claim 30.

Hayashi discloses:

A computer system, comprising:

a central processing unit [CPU, Col 6 line 5];

first storage operatively coupled to the central processing unit, the first storage having stored therein at least a portion of a relational database table [storage 17A, Col 6 lines 13-16, Fig 1]; and

second storage operatively coupled to the central processing unit and the first storage, the second storage having stored therein at least a portion of a database management system, the database management system adapted to [storage, 17B, Fig 1, Col 6 lines 13-16]

Art Unit: 2166

receive a request to extract data from the relational database table, the relational database table having a current version associated with a current schema of the relational database table and a prior version associated with a prior schema of the relational database table, the request directed the prior version [request, old version, new version, database, Col 16 lines 55-60, Fig 17A-17B], and

extract data from the relational database table based on the table schema associated with the prior version [database, extract logical information, table, Col 13 lines 5-10, Fig 15A-B].

7. Subject matter of claims 14 – 24 are rejected in the analysis above in claims 1 – 11 and these claims are rejected on that basis.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 12-13 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Patent No: 6,366,917 to St John Herbert, III (hereinafter Herbert).

Claim 12.

Hayashi discloses the elements of claim 8 as above but it does not explicitly indicate the elements of claim 12. Herbert discloses the claimed elements, wherein the act of extracting data comprises [extract information, table, See Herbert Col 5 lines 20-22]:

identifying a row in the database table [identifier, row, database, table, Col 9 lines 44-50];

determining a version associated with the identified row [identifier, table version, row, database, table, Col 9 lines 44-50];

and

extracting data from the identified row in accordance with the determined version [extract information, table, version, See Herbert Col 5 lines 20-22, Col 9 lines 44-50].

Claim 13.

The combination of Hayashi and Herbert discloses the elements of claim 12, and furthermore it discloses wherein the acts of identifying, determining and extracting are repeated for each row in the database table [See Herbert Col 11 lines 3-6].

11. Subject matter of claims 25 – 26 are rejected in the analysis above in claims 12 – 13 and these claims are rejected on that basis.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam, can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emeka Ebirim
Examiner
Art Unit 2166


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER